

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DONALD EDWARDS and ANNIE BROOKS,)	
)	
Plaintiffs,)	
)	
v.)	No. 06 C 3110
)	
OFFICERS ROGOWSKI, NEGRON,)	Judge Joan Lefkow
SHANKLE, JOHN DOE, JOHN SKOE,)	Magistrate Judge Soat Brown
JANE DOE AND THE VILLAGE OF)	
MELROSE PARK, A MUNICIPAL)	
CORPORATION,)	
)	
Defendants.)	

STEVEN ROGOWSKI'S MOTION FOR JUDGMENT AS A MATTER OF LAW

NOW COMES the defendant, STEVEN ROGOWSKI, by his attorneys, DOWD & DOWD, LTD., and moves this court for entry of an order granting him judgment as a matter of law pursuant to FRCP 50. In support thereof, the defendant states as follows:

1. The plaintiffs' complaint comprises six counts, five of which are directed against Lieutenant Rogowski. Counts I and II invoke 42 U.S.C. Section 1983 while Counts III, IV and V assert state law claims (assault and battery, malicious prosecution and intentional infliction of emotional distress).
2. Lieutenant Rogowski is entitled to judgment as a matter of law as to Count I inasmuch as the plaintiff has failed to show that Lieutenant Rogowski participated directly in an alleged beating. Inasmuch as Section 1983 liability is predicated on personal involvement in the alleged deprivation, Plaintiffs' claim against Lieutenant Rogowski should be dismissed.

3. Likewise, Lieutenant Rogowski is entitled to judgment as a matter of law as to Count II inasmuch as the plaintiff has failed to show that Lieutenant Rogowski was the moving force behind his arrest and seizure.

4. Count IV purports to state a claim for malicious prosecution. In his case in chief, the plaintiff failed to introduce any evidence which suggested that Lieutenant Rogowski was responsible for initiating or commencing the criminal charges.

5. Count V is the subject of a separately filed motion that is brought on behalf of the each of the individual defendants.

WHEREFORE, Lieutenant Rogowski prays for entry of an order granting him judgment as a matter of law as to Counts I, II, and IV of the plaintiffs' complaint.

DOWD & DOWD, LTD.

By: /s/ Patrick J. Ruberry
Attorneys for Defendant, Steven Rogowski

Patrick J. Ruberry
Dowd & Dowd, Ltd.
617 West Fulton Street
Chicago, IL 60661
Tx: 312/704-4400

CERTIFICATE OF SERVICE

I, an attorney, state that Defendant Rogowski's Motion for Judgment as a Matter of Law was served electronically to all law firms of record via ECF on February 26, 2008.

DOWD & DOWD, LTD.

By: /s/ Patrick J. Ruberry
Attorneys for Defendant, Steven Rogowski

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